

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 4-17, 20-21, 24 and 26-28 are currently pending. Claims 2, 3, 18, 19, 22, 23 and 25 are hereby canceled. Claims 1, 4, 6, 17, 21 and 26 are independent. Claims 1, 4-6, 17, 21, 24 and 26-28 are hereby amended. Support for this amendment is provided throughout the Specification as originally filed. No new matter has been introduced.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1, 2, 6, 10, 11, 16-19, 21-23 and 27-28 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,829,634 to Holt et al. (hereinafter, merely "Holt") in view of Baughman et al., "*Cheat-Proof Payout for Centralized and Distributed Online Games*," INFOCOM 2001, Twentieth Annual Joint Conference of the IEEE Computer and Communications Societies Proceedings, 22-26 April 2001 (hereinafter merely "Baughman").

Claims 3-5, 7-9, 12-15, 20 and 24-26 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Holt in view of Baughman and further in view of U.S. Patent Application Publication No. 2003/0229779 of Morais et al. (hereinafter, merely “Morais”)

In view of the above amendments, Applicants respectfully traverse this rejection.

Applicants contend that the present application is patentable over combinations involving Morais for at least three (3) reasons:

A. MORAIS DOES NOT DISCLOSE RECEIVING TWO MESSAGES FROM DIFFERENT SENDERS AND DETECTING DATA MANIPULATION BY COMPARISON OF THE MESSAGES

Independent claim 1, as amended, is representative, and recites, *inter alia*:

“receiving a first message having first content data at a receiving peer system from a first sending peer system connected to said peer system in a peer-to-peer relay network;

...

receiving a second message having second content data at the receiving peer system from at least one second sending peer system, wherein the second content data are expected to be substantially the same as the first content data;

...

determining that the message from the first sending peer system is different from at least one of the second messages based on the comparison;” (emphases added)

Applicants have included, *inter alia*, the elements of claim 3 into claim 1. The Office Action has applied Morais against the elements of claim 3. Further, claim 1, as amended, recites that a receiving peer system receives two messages: a first message is received from a first sending peer system, and a second message from a second sending peer system. The messages are expected to be substantially the same. The receiving peer system compares the two received messages to determine if the messages are different rather than substantially the same.

The Office Action points to Morais par. [0064], lines 1-11 for disclosing a receiving peer receiving a second message from a second sending peer system. The Office Action states Morais discloses game console (102) generating Security Parameters Value Index (SPI). Thus, the Office Action is asserting that the SPI is the second message. Presumably, an SPI generated by a different game console (102) is the first message. The Office Action then points to Morais par. [0076], lines 5-15 for disclosure of a receiving peer comparing the two SPIs to detect a difference.

This is a misapplication of the disclosure of Morais. Morais does disclose that each game console (102) generates and sends a cryptographic key exchange packet that includes a SPI uniquely identifying the sending game console. The key exchange packet from each game console is sent to the Security Gateway Device (150). Morais Par. [0063].

However, the Security Gateway Device (150) does not compare a first SPI (first message) from the first sending game console to second SPI (second message) from a second sending game console. Morais par. [0076]. Such a comparison makes no sense in the context of the Morais device. In Morais, the Security Gateway is verifying only the message authenticity between the Gateway and the sending game console. Each SPI uniquely identifies a particular game console to the Security Gateway Device. There is no reason to compare a first SPI of a first game console with second SPI of second game console. Indeed, each game console SPI is expected to be different, not the same, from every other game console SPI.

Holt and Baughman do add the elements missing from Morais.

Hence, claim 1, as amended, is patentable over Holt, Baughman and Morais because the references taken alone or in combination do not teach or suggest each and every limitation recited in the claim.

**B. NO DISCLOSURE OF COMPARISON BY
RECEIVING PEER OF MESSAGES FROM TWO
DIFFERENT SENDING PEERS**

Claim 1, as amended, recites, “comparing by the receiving peer system the first content and second content data; and determining that the message from the first sending peer system is different from at least one of the second messages based on the comparison.” That is, in the present invention a receiving peer system compares messages received from two different sending peer systems.

The Office Action seems to point to Morais par. [0076] for the element of a receiving peer comparing a message from a sending peer with additional messages received from other sending peers. The Office Action seems to implicate that the peers of the present application correspond to the game consoles (102) of Morais. However, in Morais, messages are not sent between game consoles at all. Thus, there can be no comparison of messages at a receiving peer system. Indeed, in Morais, messages are exchanged between game consoles (102) and a Security Gateway Device (102), not between the game consoles.

Holt and Baughman do add the elements missing from Morais.

Hence, claim 1, as amended, is patentable over Holt, Baughman and Morais because the references taken alone or in combination do not teach or suggest each and every limitation recited in the claim. Claims relying on rejection using combinations involving Morais are patentable for at least the same reasons.

**C. NO MOTIVATION TO COMBINE BECAUSE MORAIS
DOES NOT DISCLOSE A PEER-TO-PEER SYSTEM**

Claims of the present invention all refer to peers in a peer-to-peer system. Both the Holt and Baughman references appear to be directed to peer-to-peer systems. However, Morais is not directed to a peer-to-peer system. Indeed, Morais is a client-server relationship.

The disclosure of Morais is directed to exchanges between a game console (102) (client) and a Security Gateway (150) (server). This relationship is clearly shown in FIG. 1 of Morais and described, for example, at par. [0018] and par. [0076]. A peer-to-peer system is a term of art in computer network systems. The game consoles (102) of Morais may be considered peers. However, the Security Gateway is not a peer of a game console. Indeed, the Security Gateway connects to many game consoles is clearly in a server relationship with the game consoles. Thus, there is no disclosure in Morais of exchanges between peers (game consoles) in a peer-to-peer system.

The Office Action points to Morais par. [0003] for disclosing a peer-to-peer system. However, this is in the Background of Morais discussing that online gaming system can be implemented in a centralized client-server or a peer-to-peer system. In par. [0004], Morais discusses a problems of the client-server system not the peer-to-peer system. And in par. [0005], Morais states his device is to solve these problems. Further, as discussed above, the disclosure is directed to a client-server system. There is no disclosure in Morais of a peer-to-peer system.

Hence, there is no motivation to combine the teaching of the peer-to-peer systems of Holt and Baughman with the client-server system teachings of Morais. Claims relying on rejection using combinations involving Morais are patentable for at least the same reasons.

CONCLUSION

Claims 1, 4-17, 20-21, 24 and 26-28 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

A handwritten signature in black ink, appearing to be 'PA' or 'PL' with a large loop, written over a horizontal line.

By: _____

Paul A. Levy
Reg. No. 45,748
(212) 588-0800